

Remarks

The drawings were objected to. New drawings of Figures 3, 4, and 5 are enclosed with all blocks labeled with a descriptive legend.

Claims 1, 2, 4, and 6 to 10 were rejected under 35 U.S.C. 102(b) as anticipated by Friedman. As the Examiner notes, Friedman does indicate that his system can be used for pets. However, it is primarily designed to be used on children or disabled adults and for that reason it will not work well on pets such as dogs.

In particular, in Friedman's system the voice that is broadcast is intended to be heard by people in the vicinity, not by the person wearing the device. If a child is wearing the device, the message that is broadcast is something such as, "Help, I'm lost.

My parents are now looking for me and only they can shut this unit off." (Column 11, lines 24 and 25) If a disabled person is wearing the device, the message that is broadcast is something such as, "Help, I'm lost. Please wait with me and keep me from harm until my caretaker finds me and turns this unit off." Or, "My caretaker has set off this alarm and is looking for me now. I may be confused but will not harm anyone.

Please wait with me." (Column 12, lines 57 to 62) These messages are not directed at the person wearing the device. They are directed at persons in the vicinity of the person wearing the device.

In contrast, Applicant's recorded message is directed at the pet that is wearing Applicant's device. Examples of messages that might be used on Applicant's device would be, "Rover, come home." Or, "Spot, go to the car."

Because the messages recorded on Applicant's device are directed at the pet wearing the device and not at people in the vicinity, it is critical that the pet recognize the voice on the recording. A dog, for example, will not obey a command unless it is spoken by its master. All of Applicant's claims therefore require a microphone and electronic means for making a recording of a command spoken by a human voice into that microphone. There is no microphone in Friedman's device and all of the recordings are generated by speech synthesizers (column 11, lines 38 to 46). Since Friedman's messages are directed at people, who have no need to recognize the voice that is speaking, it is not obvious to use a microphone and actually record a spoken message in Friedman, as all of Applicant's claims require.

Applicant's Claim 2 requires a collar that fits around the neck of a pet. Friedman's unit 50 (Figures 4 and 6) is "worn over a child's abdomen held in place by way of flexible waist straps 72, 73" (column 6, lines 64 to 65) and has shoulder straps 78a and 78b that "lie over a child's shoulders" (column 7, line 6). If Friedman's unit was used on a pet such as a dog, the waist straps 72 and 73 would go around the belly of the dog and the shoulder straps 78a and 78b would go over the shoulders of the dog. Friedman discloses no collar that fits around the neck of a pet as required in Applicant's Claim 2.

Applicant's Claim 10 requires speaking at least one command into a microphone. There is no microphone in Friedman's device and commands are not spoken into the device.

Claim 3 was rejected under 35 U.S.C. 103(a) as obvious over Friedman. As to this rejection, Applicant will rely upon his hereinabove comments. However, Applicant again points out that Friedman's device is not suitable for use on a dog due to the way it is to be mounted on the animal.

Claims 5 and 11 to 17 were rejected under 35 U.S.C. 103(a) as obvious over Friedman in view of Bonge. Friedman has been discussed. Bonge's device uses ultrasound while Friedman's device uses radio waves. The devices are therefore incompatible and Bonge's device cannot be combined with Friedman's device. The two signals sent by Bonge's device are a warning tone and a shock to the animal. As the Examiner notes, "Friedman does not teach broadcasting two signals, one to turn on the recording and another to turn on the light." Applicant does not agree that it is obvious to modify Friedman by incorporating the teachings of Bonge so that Friedman's device would broadcast two signals, one to turn on the recording and the other to turn on the light. The purpose of Friedman's device is to alert people in the vicinity that the person wearing the device is lost. Friedman wants to attract attention to that person and turning on both the recording and the lights is the best way to do it. It would serve no useful purpose for Friedman to be able to separately turn on the recording and the lights and it would add to the cost of the device. Therefore, it is not obvious to combine Bonge's teachings with Friedman. In addition, Applicant's Claim 5 requires that said recording be turned on. The recording referred to by the word "said" is a recording of an actual human voice. Even if Bonge were combined with Friedman, the resulting

device would not have a recording of an actual human voice.

In addition to the hereinabove-made arguments concerning Applicant's Claim 1, which also apply to Claim 11, Claim 11 also requires that the recording must be digital. This is important because, as Applicant pointed out, a pet such as a dog must recognize the voice giving the command as that of its master or it will not obey. A digital recording more accurately records the voice and makes it easier for the pet to recognize it. Neither Friedman nor Borge discloses the use of a digital recording of a human voice. (New Claim 18 also requires a digital recording. See paragraph [0001], line 3, for support.)

As to Applicant's Claim 12, the Examiner cites column 8, lines 15 to 28, of Friedman as disclosing encoded signals, but Applicant does not interpret that section of Friedman as disclosing encoded signals. [ARE THE SIGNALS ENCODED IN FRIEDMAN?]

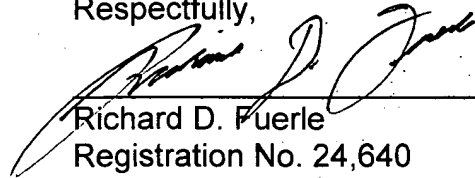
As to Applicant's Claim 13 (and 16), as previously pointed out, neither Friedman nor Borge discloses a human voice that the user recorded.

In addition to the differences hereinabove pointed out in reference to other claims, Applicant's Claim 15 also requires a collar suitable for placing around the neck of a dog, which neither Friedman nor Borge disclose.

All of the claims are now believed to be allowable over the references cited and reconsideration and allowance of all of the claims are therefore requested. The Examiner is invited to call Applicant's attorney at (716) 774-0091 to resolve any

remaining problems.

Respectfully,



Richard D. Fuerle

Registration No. 24,640

For Applicant

Richard D. Fuerle
1711 West River Road
Grand Island, NY 14072
(716)-774-0091
October 27, 2003
CASE RD01